

ESTTA Tracking number: **ESTTA516052**

Filing date: **01/15/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Greater Louisville Convention & Visitors Bureau		
Entity	Independent commission	Citizenship	Kentucky
Address	401 W. Main St. Suite 2300 Louisville, KY 40202 UNITED STATES		

Attorney information	John A. Galbreath Galbreath Law Offices, P.C. 2516 Chestnut Woods Ct. Reisterstown, MD 21136 UNITED STATES jgalbreath@galbreath-law.com Phone:410-628-7770
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Applicant Information

Application No	85736374	Publication date	12/25/2012
Opposition Filing Date	01/15/2013	Opposition Period Ends	01/24/2013
Applicant	THE WINE GROUP LLC 4596 S. TRACY BLVD. TRACY, CA 95377 UNITED STATES		

Goods/Services Affected by Opposition


Class 033. All goods and services in the class are opposed, namely: Bourbon
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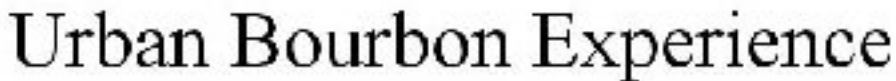
Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4178113	Application Date	07/07/2011
Registration Date	07/24/2012	Foreign Priority Date	NONE
Word Mark	URBAN BOURBON		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2011/10/20 First Use In Commerce: 2011/10/20 Chamber of commerce services, namely, promoting business and tourism in the Kentucky bourbon-producing area

U.S. Application No.	85406324	Application Date	08/24/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	URBAN BOURBON EXPERIENCE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: Chamber of commerce services, namely, promoting business and tourism in the Kentucky bourbon-producing area		

U.S. Registration No.	3932986	Application Date	05/29/2009
Registration Date	03/15/2011	Foreign Priority Date	NONE
Word Mark	URBAN BOURBON TRAIL		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2008/05/30 First Use In Commerce: 2008/05/30 Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky

Attachments	85364988#TMSN.jpeg (1 page)(bytes) 85406324#TMSN.jpeg (1 page)(bytes) 77981154#TMSN.jpeg (1 page)(bytes) Louisville-Wine Group-(B)URBAN mark-Notice of Opposition.pdf (3 pages)(122691 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/John A. Galbreath/
Name	John A. Galbreath
Date	01/15/2013

**Greater Louisville Convention
and Visitor's Bureau**

Plaintiff/Opposer

v.

The Wine Group LLC

Defendant/Applicant

) **IN THE UNITED STATES**
) **PATENT AND TRADEMARK OFFICE**
)
)
) **TRADEMARK TRIAL AND APPEAL BOARD**
)
)
) **APPL. NO. 85/736,374**
)
) **OPPOSITION NO. _____**
)

NOTICE OF OPPOSITION

Greater Louisville Convention and Visitor's Bureau ("Louisville" or "Opposer"), by and through its below-identified attorneys, hereby opposes The Wine Group LLC's ("Wine Group" or "Applicant") trademark application serial number 85/736,374, and states as follows:

1. On September 24, 2012, Applicant filed an application in the United States Trademark Office ("Office") to register the (B)URBAN mark for use in connection with bourbon.
2. Opposer owns United States Registration No. 4,178,113 for URBAN BOURBON and United States Application No. 85/406,324 for URBAN BOURBON EXPERIENCE, and is the exclusive, perpetual licensee of United States Registration No. 3,932,986 for URBAN BOURBON TRAIL (collectively, "Opposer's Marks"). The filing dates for Opposer's Marks all predate Applicant's September 24, 2012 filing date.
3. Opposer has used its marks in commerce since at least as early as May 30, 2008, in connection with at least the services identified in the above-referenced applications and registration: Chamber of commerce services, namely, promoting business and tourism in the bourbon-producing region of Kentucky.

4. Applicant's mark was filed on an intent-to-use basis, and presumably was not in use as of the September 24, 2012 filing date. Thus, Opposer's priority in its marks predates any priority which may be claimed by Applicant.

5. Applicant's mark is confusingly similar to Opposer's Marks and is likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

6. The Office has assigned the pseudo mark (BOURBON)URBAN to the opposed application no. 85/736,374.

7. Applicant's goods are closely related to the services in Opposer's Marks. Indeed, Opposer's use of its registered and applied-for marks intimately involves bourbon, which are the goods shown in the Opposed Application. In addition, Opposer may offer for sale and sell bourbon goods under its URBAN BOURBON mark in the future.

8. Opposer will be damaged by Applicant's registration of the mark shown in the Opposed Application because registration would give Applicant *prima facie* evidence of its ownership of an exclusive right to use a mark that is confusingly similar to Opposer's Marks, which rights would interfere with Opposer's continued use of its marks.

WHEREFORE, Opposer requests that the Office deny Applicant's application for registration of the mark shown in Application No. 85/736,374, and grant such other and further relief and damages to Opposer that the Office deems proper.

Respectfully submitted,

/John A. Galbreath/

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Attorneys for Opposer

Certificate of Service: I certify that on the date below, the foregoing Notice of Opposition and referenced attachments, if any, were sent by first-class mail to:

THE WINE GROUP LLC
4596 S. TRACY BLVD.
TRACY, CALIFORNIA 95377

15 January 2015

/John A. Galbreath/
John A. Galbreath